



Reprinted
February 10, 2009

SENATE BILL No. 511

DIGEST OF SB 511 (Updated February 9, 2009 5:34 pm - DI 71)

Citations Affected: IC 5-2; IC 7.1-1; IC 9-24; IC 9-30; IC 14-15.

Synopsis: Various vehicle and motorboat matters. Allows the criminal justice institute to set license fees for commercial driver training schools and instructors by rule. Provides that a probationary operator's license expires at midnight of the date the holder becomes 21 years and 30 days of age. (Current law provides that the probationary license expires at midnight of the day of the holder's twenty-first birthday.) Allows the bureau of motor vehicles to place an identifying symbol on the face of the certain permits, licenses, or identification cards to indicate that the applicant has a medical condition. Provides that certain offenses committed under the law of the United States or in another state that are substantially similar to certain offenses committed in Indiana be counted toward an accumulation of offenses for purposes of an individual being adjudged a habitual violator of traffic laws. Includes motorboats in the category of vehicles for which an individual is prohibited from operating while intoxicated. Provides that after June 30, 2009, the penalties for operating a motorboat while intoxicated are the same as for operating a wheeled vehicle while intoxicated, and repeals current law pertaining to operating a motorboat while intoxicated. Makes corresponding changes. Makes technical corrections.

Effective: July 1, 2009.

Charbonneau, Holdman

January 15, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 5, 2009, amended, reported favorably — Do Pass.
February 9, 2009, read second time, amended, ordered engrossed.

SB 511—LS 7418/DI 96+



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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 511

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.5-11, AS ADDED BY P.L.107-2008,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 11. (a) A license issued under section 9 or 10 of
4 this chapter expires on the last day of the fiscal year and may be
5 renewed upon application to the institute as prescribed by rule.

6 (b) Each application for an original or a renewal license must be
7 accompanied by a:

- 8 (1) certified check;
9 (2) corporate check; or
10 (3) United States postal money order.

11 (c) ~~The fee~~ **The institute shall adopt rules under IC 4-22-2 to set**
12 **fees for:**

- 13 (1) an original or a renewal commercial driver training school
14 license; ~~is one hundred dollars (\$100);~~ and
15 (2) an original or a renewal instructor's license. ~~is ten dollars~~
16 ~~(\$10);~~

17 (d) A license fee may not be refunded if the license application is



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1 rejected or the license is suspended or revoked.

2 (e) A license fee collected under this section shall be deposited in
3 the motor vehicle highway account fund established under IC 8-14-1.

4 SECTION 2. IC 7.1-1-3-13.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.5. "Conviction for
6 operating while intoxicated" means a conviction (as defined in
7 IC 9-13-2-38):

8 (1) in Indiana for:

9 (A) an alcohol related or drug related crime under Acts 1939,
10 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
11 1983), IC 9-11-2 (repealed July 1, 1991), or IC 14-1-5
12 (repealed July 1, 1995); or

13 (B) a crime under IC 9-30-5-1 through IC 9-30-5-9 or
14 IC 14-15-8; or

15 (2) in any other jurisdiction in which the elements of the crime for
16 which the conviction was entered are substantially similar to the
17 elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9,
18 ~~or IC 14-15-8-8.~~ **IC 14-15-8-7.7, IC 14-15-8-7.9, or**
19 **IC 14-15-8-8.1.**

20 SECTION 3. IC 9-24-11-3, AS AMENDED BY P.L.184-2007,
21 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2009]: Sec. 3. (a) A license issued to an individual less than
23 eighteen (18) years of age is a probationary license.

24 (b) An individual holds a probationary license subject to the
25 following conditions:

26 (1) Except as provided in IC 31-37-3, the individual may not
27 operate a motor vehicle during the curfew hours specified in
28 IC 31-37-3-2.

29 (2) During the ninety (90) days following the issuance of the
30 probationary license, the individual may not operate a motor
31 vehicle in which there are passengers unless another individual
32 who:

33 (A) is at least twenty-one (21) years of age; and

34 (B) holds a valid operator's license issued under this article;
35 is present in the front seat of the motor vehicle.

36 (3) The individual may operate a motor vehicle only if the
37 individual and each occupant of the motor vehicle has a safety
38 belt properly fastened about the occupant's body at all times when
39 the motor vehicle is in motion.

40 (c) An individual who holds a probationary license issued under this
41 section may receive an operator's license, a chauffeur's license, a public
42 passenger chauffeur's license, or a commercial driver's license when the

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individual is at least eighteen (18) years of age.

(d) Except as provided in subsection (e), a probationary license issued under this section:

(1) expires at midnight ~~of the twenty-first birthday of the date the holder becomes twenty-one (21) years and thirty (30) days of age; and~~

(2) may not be renewed.

(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 4. IC 9-24-11-5, AS AMENDED BY P.L.184-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (i), a permit or license issued under this chapter must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become

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twenty-one (21) years of age.

(13) Except as provided in subsection (b) or (c), a digital photograph of the permittee or licensee.

(b) The following permits or licenses do not require a digital photograph:

(1) Temporary motorcycle learner's permit issued under IC 9-24-8.

(2) Motorcycle learner's permit issued under IC 9-24-8.

(c) The bureau may provide for the omission of a photograph or computerized image from any other license or permit if there is good cause for the omission. However, a license issued without a digital photograph must include the language described in subsection (f).

(d) The information contained on the permit or license as required by subsection (a)(11) or (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau ~~shall~~ **may** place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. **If the bureau places an identifying symbol on the face of a permit or license,** the bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."

(g) A license or permit issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an

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alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 5. IC 9-24-16-3, AS AMENDED BY P.L.184-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) The address of the principal residence.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Unique identification number.
- (6) Gender.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less

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than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the permit or license.

(d) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau ~~shall~~ **may** place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. **If the bureau places an identifying symbol on the face of an identification card,** the bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(e) An identification card issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."

(f) An identification card issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under

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IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 6. IC 9-30-5-3, AS AMENDED BY P.L.126-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Class D felony if:

(1) the person has a previous conviction of operating a **vehicle or motorboat** while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b) or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter, or subsection (a)(2) of this section, commits a Class C felony if:

(1) the person has a previous conviction of operating while intoxicated causing death (~~IC 9-30-5-5~~); (**section 5 of this chapter or IC 14-15-8-8.1**); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (~~IC 9-30-5-4~~); (**section 4 of this chapter or IC 14-15-8-7.9**).

SECTION 7. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if the person has a previous conviction of operating a **vehicle or motorboat** while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation

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1 of subsection (a).

2 (c) It is a defense under subsection (a)(2) that the accused person
3 consumed the controlled substance under a valid prescription or order
4 of a practitioner (as defined in IC 35-48-1) who acted in the course of
5 the practitioner's professional practice.

6 SECTION 8. IC 9-30-5-10, AS AMENDED BY P.L.126-2008,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2009]: Sec. 10. (a) In addition to a criminal penalty imposed
9 for an offense under this chapter or IC 14-15-8, the court shall, after
10 reviewing the person's bureau driving record and other relevant
11 evidence, recommend the suspension of the person's driving privileges
12 for the fixed period of time specified under this section. The court may
13 require that a period of suspension recommended under this section be
14 imposed, if applicable, before a period of incarceration or after a period
15 of incarceration, or both before and after a period of incarceration, as
16 long as the suspension otherwise complies with the periods established
17 in this section.

18 (b) If the court finds that the person:

19 (1) does not have a previous conviction of operating a vehicle or
20 a motorboat while intoxicated; or

21 (2) has a previous conviction of operating a vehicle or a
22 motorboat while intoxicated that occurred at least ten (10) years
23 before the conviction under consideration by the court;

24 the court shall recommend the suspension of the person's driving
25 privileges for at least ninety (90) days but not more than two (2) years.

26 (c) If the court finds that the person has a previous conviction of
27 operating a vehicle or a motorboat while intoxicated and the previous
28 conviction occurred more than five (5) years but less than ten (10)
29 years before the conviction under consideration by the court, the court
30 shall recommend the suspension of the person's driving privileges for
31 at least one hundred eighty (180) days but not more than two (2) years.
32 The court may stay the execution of that part of the suspension that
33 exceeds the minimum period of suspension and grant the person
34 probationary driving privileges for a period of time equal to the length
35 of the stay.

36 (d) If the court finds that the person has a previous conviction of
37 operating a vehicle or a motorboat while intoxicated and the previous
38 conviction occurred less than five (5) years before the conviction under
39 consideration by the court, the court shall recommend the suspension
40 of the person's driving privileges for at least one (1) year but not more
41 than two (2) years. The court may stay the execution of that part of the
42 suspension that exceeds the minimum period of suspension and grant

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the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- ~~(3) IC 14-15-8-8(b); or~~
- ~~(4) IC 14-15-8-8(c);~~
- (3) IC 14-15-8-7.7;
- (4) IC 14-15-8-7.9; or
- (5) IC 14-15-8-8.1;

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

SECTION 9. IC 9-30-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "judgment" means:

- (1) a judgment of conviction against the defendant in a felony or misdemeanor case **or, for an offense committed after June 30, 2009, an offense under the law of the United States or in another state that is substantially similar to an offense set forth in section 4(a), 4(b), 16(a), or 17 of this chapter;** or
- (2) a civil judgment against the defendant in an infraction or ordinance proceeding.

SECTION 10. IC 9-30-10-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in this chapter, "violation" means:

(1) a felony, a misdemeanor, or an infraction under the Indiana Code **or, for an offense committed after June 30, 2009, an offense under the law of the United States or in another state that is substantially similar to an offense set forth in section 4(a), 4(b), 16(a), or 17 of this chapter;** or

(2) a violation of an ordinance of an Indiana political subdivision.

SECTION 11. IC 14-15-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A person who violates this chapter commits a Class C misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident or collision results in an injury to a person;

(2) a Class D felony if:

(A) the accident or collision results in serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a) or ~~IC 14-15-8-8~~; **IC 14-15-8-7.7, IC 14-15-8-7.9, or IC 14-15-8-8.1;** or

(3) a Class C felony if the accident or collision results in the death of a person.

SECTION 12. IC 14-15-8-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.3. (a) **This section applies to offenses committed after June 30, 2009.**

(b) **A person who operates a motorboat with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:**

(1) **one hundred (100) milliliters of the person's blood; or**

(2) **two hundred ten (210) liters of the person's breath;**

commits a Class C misdemeanor.

(c) **A person who operates a motorboat with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:**

(1) **one hundred (100) milliliters of the person's blood; or**

(2) **two hundred ten (210) liters of the person's breath;**

commits a Class A misdemeanor.

(d) **A person who operates a motorboat with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite**

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1 in the person's body commits a Class C misdemeanor.

2 (e) It is a defense to subsection (d) that the accused person
3 consumed the controlled substance under a valid prescription or
4 order of a practitioner (as defined in IC 35-48-1-24) who acted in
5 the course of the practitioner's professional practice.

6 SECTION 13. IC 14-15-8-7.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2009]: Sec. 7.5. (a) This section applies to
9 offenses committed after June 30, 2009.

10 (b) Except as provided in subsection (c), a person who operates
11 a motorboat while intoxicated commits a Class C misdemeanor.

12 (c) An offense described in subsection (b) is a Class A
13 misdemeanor if the person operates a motorboat in a manner that
14 endangers a person.

15 SECTION 14. IC 14-15-8-7.7 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2009]: Sec. 7.7. (a) Except as provided in
18 subsection (b), a person who violates section 7.3 or 7.5 of this
19 chapter commits a Class D felony if:

20 (1) the person has a previous conviction of operating a vehicle
21 or motorboat while intoxicated that occurred within the five
22 (5) years immediately preceding the occurrence of the
23 violation of section 7.3 or 7.5 of this chapter; or

24 (2) the person:

25 (A) is at least twenty-one (21) years of age;

26 (B) violates section 7.3(c) or 7.5(c) of this chapter; and

27 (C) operated a motorboat in which at least one (1)
28 passenger was less than eighteen (18) years of age.

29 (b) A person who violates section 7.3 or 7.5 of this chapter or
30 subsection (a)(2) commits a Class C felony if:

31 (1) the person has a previous conviction of operating while
32 intoxicated causing death (IC 9-30-5-5) or of section 8.1 of this
33 chapter; or

34 (2) the person has a previous conviction of operating while
35 intoxicated causing serious bodily injury (IC 9-30-5-4) or of
36 section 7.9 of this chapter.

37 SECTION 15. IC 14-15-8-7.9 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2009]: Sec. 7.9. (a) This section applies to
40 offenses committed after June 30, 2009.

41 (b) A person who causes serious bodily injury to another person
42 while operating a motorboat:

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(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if the person has a previous conviction of operating a vehicle or motorboat while intoxicated within the five (5) years preceding the commission of the offense.

(c) A person who violates subsection (b) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (b).

(d) It is a defense under subsection (b)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 16. IC 14-15-8-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.1. (a) This section applies to offenses committed after June 30, 2009.

(b) A person who causes the death of another person when operating a motorboat:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if the person has a previous conviction of operating a vehicle or motorboat while intoxicated within the five (5) years preceding the commission of the offense, or if the person operated the motorboat when the person knew that the person's driver's license, driving privilege, or permit was suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(c) A person at least twenty-one (21) years of age who causes the death of another person when operating a motorboat:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

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1 (A) one hundred (100) milliliters of the person's blood; or
 2 (B) two hundred ten (210) liters of the person's breath; or
 3 (2) with a controlled substance listed in schedule I or II of
 4 IC 35-48-2 or its metabolite in the person's blood;
 5 commits a Class B felony.

6 (d) A person who violates subsection (b) or (c) commits a
 7 separate offense for each person whose death is caused by the
 8 violation of subsection (b) or (c).

9 (e) It is a defense under subsection (b)(2) or(c)(2) that the
 10 accused person consumed the controlled substance under a valid
 11 prescription or order of a practitioner (as defined in IC 35-48-1)
 12 who acted in the course of the practitioner's professional practice.

13 SECTION 17. IC 14-15-8-8.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2009]: Sec. 8.5. (a) This section applies to
 16 offenses committed after June 30, 2009.

17 (b) A person who is less than twenty-one (21) years of age and
 18 operates a motorboat with an alcohol concentration equivalent to
 19 at least two-hundredths (0.02) gram but less than eight-hundredths
 20 (0.08) gram of alcohol per:

21 (1) one hundred (100) milliliters of the person's blood; or
 22 (2) two hundred ten (210) liters of the person's breath;
 23 commits a Class C infraction.

24 (c) In addition to the penalty imposed under this section, the
 25 court may recommend the suspension of the driving privileges of
 26 the operator of the motorboat for not more than one (1) year.

27 SECTION 18. IC 14-15-8-8 IS REPEALED [EFFECTIVE JULY 1,
 28 2009].

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 511, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.5-11, AS ADDED BY P.L.107-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A license issued under section 9 or 10 of this chapter expires on the last day of the fiscal year and may be renewed upon application to the institute as prescribed by rule.

(b) Each application for an original or a renewal license must be accompanied by a:

- (1) certified check;
- (2) corporate check; or
- (3) United States postal money order.

(c) ~~The fee~~ **The institute shall adopt rules under IC 4-22-2 to set fees for:**

- (1) an original or a renewal commercial driver training school license; ~~is one hundred dollars (\$100);~~ and
- (2) an original or a renewal instructor's license. ~~is ten dollars (\$10);~~

(d) A license fee may not be refunded if the license application is rejected or the license is suspended or revoked.

(e) A license fee collected under this section shall be deposited in the motor vehicle highway account fund established under IC 8-14-1."

Page 1, delete line 17.

Page 2, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 511 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 511 be amended to read as follows:

Page 3, line 21, reset in roman "(i),".

Page 3, line 21, delete "(h),".

Page 4, line 12, reset in roman "(f).".

Page 4, line 12, delete "(e).".

Page 4, reset in roman lines 17 through 19.

Page 4, line 20, reset in roman "the bureau".

Page 4, line 20, after "shall" insert "**may**".

Page 4, line 20, reset in roman "place an identifying symbol on the face of the permit".

Page 4, reset in roman line 21.

Page 4, line 22, delete "The" and insert "**If the bureau places an identifying symbol on the face of a permit or license, the**".

Page 4, line 22, reset in roman "bureau shall include information on the permit or license that".

Page 4, reset in roman lines 23 through 29.

Page 4, line 30, reset in roman "(f)".

Page 4, line 30, delete "(e)".

Page 4, line 34, reset in roman "(g)".

Page 4, line 34, delete "(f)".

Page 5, line 8, reset in roman "(h)".

Page 5, line 8, delete "(g)".

Page 5, line 10, reset in roman "(i)".

Page 5, line 10, delete "(h)".

Page 5, line 21, reset in roman "(g),".

Page 5, line 21, delete "(f),".

Page 6, reset in roman lines 7 through 8.

Page 6, line 9, after "shall" insert "**may**".

Page 6, line 9, reset in roman "place an identifying symbol on the face of the identification card".

Page 6, line 10, reset in roman "to indicate that the applicant has a medical condition of note".

Page 6, line 10, delete "The" and insert "**If the bureau places an identifying symbol on the face of an identification card, the**".

Page 6, reset in roman lines 11 through 18.

Page 6, line 19, reset in roman "(e)".

Page 6, line 19, delete "(d)".

Page 6, line 23, reset in roman "(f)".

Page 6, line 23, delete "(e)".

Page 6, line 40, reset in roman "(g)".

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Page 6, line 40, delete "(f)".

(Reference is to SB 511 as printed February 6, 2009.)

CHARBONNEAU

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